

YOU ARE RECEIVING THESE DOCUMENTS BECAUSE YOUR CLAIM AGAINST DOWLING COLLEGE IS BEING CHALLENGED FOR THE REASONS DESCRIBED IN THE ATTACHED OBJECTION. YOU ARE NOT REQUIRED TO RESPOND TO THE OBJECTION, BUT IF YOU DO NOT RESPOND, YOUR CLAIM MAY BE REDUCED, EXPUNGED OR RECHARACTERIZED AS PROVIDED IN EXHIBIT A. YOU SHOULD CONSIDER CONSULTING WITH AN ATTORNEY REGARDING THE OBJECTION AND YOUR RIGHTS. THE AFFECTED CLAIMS ARE LISTED ON EXHIBIT A.

SILVERMANACAMPORA LLP

Attorneys for the Ronald J. Friedman, Esq.,
Unsecured Creditor Trustee
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
Anthony C. Acampora, Esq.
Brian Powers, Esq.

**Hearing Date: August 21, 2019
Time: 1:30 p.m.**

**Objection Due: August 14, 2019
Time: 4:00 p.m.**

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

DOWLING COLLEGE f/d/b/a DOWLING
INSTITUTE f/d/b/a DOWLING COLLEGE
ALUMNI ASSOCIATION f/d/b/a CECOM
a/k/a DOWLING COLLEGE, INC.,

Case No. 16-75545 (REG)

Post-Confirmation Debtor.

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**NOTICE OF HEARING ON DOWLING COLLEGE
UNSECURED CREDITOR TRUST'S SECOND OMNIBUS
OBJECTION TO CLAIMS (REDUCTION OR DISALLOWANCE OF CLAIMS)**

PLEASE TAKE NOTICE that on July 12, 2019, Ronald J. Friedman, Esq., the Unsecured Creditor Trustee (the **"Trustee"**) of the Dowling College Unsecured Creditor Trust (the **"Trust"**), by his counsel, SilvermanAcampora LLP, filed the Trust's Second Omnibus Objection to Claims (the **"Objection"**) seeking entry of an order reducing or disallowing certain proofs of claim filed by certain claimants against Dowling College f/d/b/a Dowling Institute f/d/b/a Dowling College Alumni Association f/d/b/a Cecom a/k/a Dowling College, Inc. (the **"Debtor"**) as set forth on **Exhibit A** annexed thereto, and granting such further relief as this Court deems just and proper, and will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 290

Federal Plaza, Central Islip, New York, on **August 21, 2019 at 1:30 p.m.** (the “**Hearing**”), or as soon thereafter as counsel can be heard, concerning the relief sought in the Objection.

PLEASE TAKE FURTHER NOTICE, that opposition to the Objection, if any, must be filed with the Court electronically in accordance with General Order 559 by registered users of the Court’s electronic case filing system and, by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court for the Eastern District of New York, Alfonse M. D’Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York, with a hard copy delivered directly to the Chambers of the Honorable Robert E. Grossman, and served in accordance with General Order 559 or other form upon: (i) attorneys for the Trustee, SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York, 11753, Attn: Brian Powers; and (ii) the Office of the United States Trustee for Region 2, 560 Federal Plaza, Central Islip, New York 11722, Attn: Stan Y. Yang, so as to be filed and received by no later than **August 14, 2019 at 4:00 p.m.**

PLEASE TAKE FURTHER NOTICE, that the Hearing may be adjourned without further notice other than the announcement of such adjournment in open Court, or the filing of a notice of adjournment on the docket of the Debtor’s case.

Dated: Jericho, New York
July 15, 2019

SILVERMANACAMPORA LLP
Attorneys for Ronald J. Friedman, Esq.
as Trustee of the Dowling College
Unsecured Creditor Trust

By: s/ Anthony C. Acampora
Anthony C. Acampora
Member of the Firm
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
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SILVERMANACAMPORA LLP

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Unsecured Creditor Trustee
100 Jericho Quadrangle, Suite 300
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Anthony C. Acampora, Esq.
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Post-Confirmation Debtor.

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**DOWLING COLLEGE UNSECURED
CREDITOR TRUST'S SECOND OMNIBUS OBJECTION
TO CLAIMS (REDUCTION OR DISALLOWANCE OF CLAIMS)**

Ronald J. Friedman, Esq. (the "**Trustee**"), the Trustee of the Dowling College Unsecured Creditor Trust (the "**Trust**"), by his attorneys, Silverman Acampora LLP, respectfully submits this objection (the "**Objection**") seeking entry of an order reducing or disallowing certain proofs of claim filed by certain claimants against Dowling College f/d/b/a Dowling Institute f/d/b/a Dowling College Alumni Association f/d/b/a Cecom a/k/a Dowling College, Inc. (the "**Debtor**") as set forth on **Exhibit A** annexed hereto, and granting such further relief as this Court deems just and proper, and respectfully represents as follows:

BACKGROUND

1. On November 28, 2016 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under chapter 11, title 11, United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Eastern District of New York (the “**Court**”).

2. By order dated December 20, 2018 (ECF Doc. No. 662) (the “**Confirmation Order**”), the Court confirmed the Debtor’s chapter 11 plan of liquidation (the “**Plan**”), which, among other things, established the Dowling College Unsecured Creditor Trust (the “**Trust**”) and authorized the appointment of the Trustee. Pursuant to the Plan, the Trust is authorized and empowered to file objections to Claims.

3. On January 13, 2017, the Court entered an order (ECF Doc. No. 167) establishing March 10, 2017, as the date by which proofs of claims or interests (collectively, the “**Claims**”) were required to be filed in the Debtor’s case (the “**Bar Date**”); and establishing May 30, 2017 as the governmental bar date (the “**Governmental Bar Date**” and, collectively with the Bar Date, the “**Bar Dates**”). According to the Debtor’s claims register, the total amount of unsecured Claims filed against the estate prior to the Bar Dates total the sum of approximately \$56,000,000, including those Claims that have been reclassified as unsecured pursuant to order of this Court.

JURISDICTION, VENUE AND STATUTORY PREDICATE

4. The Court has jurisdiction over this Objection pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The statutory predicate for the relief requested herein is 11 U.S.C. §§105 and 502 and Bankruptcy Rule 3007.

RELIEF REQUESTED

5. By this Objection, the Trustee respectfully seeks entry of an order reducing or disallowing each of the proofs of claim (collectively, the “**Objectable Claims**”) filed by each claimant (collectively, the “**Claimants**”) identified on Exhibit A attached hereto, on the basis that the amounts asserted by each Objectable Claim should be reduced or disallowed because

the Debtor's books and records indicate either a lesser amount due or no amount due to the Claimants.

BASIS FOR OBJECTIONS

6. In the ordinary course of its business, the Debtor maintained books and records (the "**Books and Records**") that reflect, among other things, the Debtor's liabilities and the amounts thereof owed to its creditors. The Trustee and the Trust's retained professionals have reviewed all of the filed Proofs of Claims (the "**Proofs of Claim**") and compared the amounts asserted in the Proofs of Claims with the Books and Records to determine the validity of the asserted claims.

7. In support of the Objection, the Trustee submits the Declaration of Neil Bivona of RSR Consulting, LLC, annexed hereto as **Exhibit B**.

8. The Trustee and the Trust's professionals have reviewed the Objectionable Claims and determined that the amounts asserted in the Objectionable Claims are not supported by the Books and Records.

9. Accordingly, the Trustee requests that the Objectionable Claims be reduced or disallowed as set forth on Exhibit A hereto.

RESERVATION OF RIGHTS

10. The Trustee expressly reserves his rights to amend, modify, or supplement this Objection and to file additional objections to the Proofs of Claim or any other Claims (filed or not) which may be asserted against the Claimants. Should one or more of the grounds for objection stated in this Objection be dismissed, the Trustee reserves his right to object on other stated grounds or on any other grounds that the Trustee discovers.

11. Notice of this Objection has been provided to the Office of the United States Trustee and all holders of Claims identified on Exhibit A annexed hereto. In light of the nature of the relief requested, the Trustee submits that no other or further notice is necessary.

WHEREFORE, the Trustee respectfully requests that the Court (i) grant the Objection;

(ii) enter an order substantially in the form annexed hereto as **Exhibit C**, and (iii) grant the Trustee such other and further relief as the Court deems proper and just.

Dated: Jericho, New York
July 15, 2019

SILVERMANACAMPORA LLP
Attorneys for Ronald J. Friedman, Esq.
as Trustee of the Dowling College
Unsecured Creditor Trust

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